

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant(s):	Timothy K. Searfoss		
Title:	Trailer Cover System		
App. No.:	10/664,806	Filed:	09/17/2003
Examiner:	GUTMAN, Hilary	Group Art Unit:	3612
Atty. Dkt. No.:	3000-0022 (3000/22)	Confirmation No.:	3469

M/S APPEAL

The Board of Patent Appeal and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

The following responds to the Notification of Non-Compliant Appeal Brief mailed September 26, 2007, in light of the Order Returning Undocketed Appeal to Examiner dated September 19, 2007. Appellant has made multiple phone calls to the PTO in an attempt to resolve perceived inconsistencies between those two documents, and the following represents Appellant's best efforts to fully respond.

**CONCISE EXPLANATION OF THE SUBJECT MATTER DEFINED
IN EACH OF THE INDEPENDENT CLAIMS INVOLVED IN THE APPEAL**

All of the independent claims recite “a body adapted to engage the top of the wall” and/or the body “having a concave surface.”

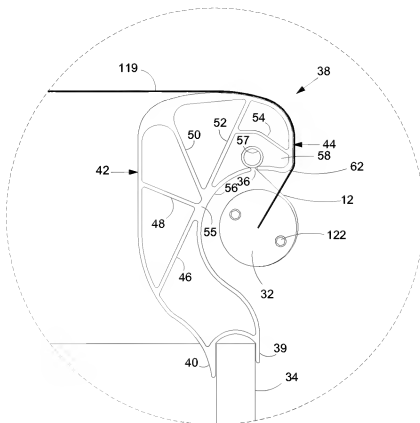


FIG. 3

A rail 38 comprises a body adapted to engage a top of a wall 34 of a trailer. Page 4, line 30 through page 5, line 2. The body has a concave surface 56 adapted to receive a cover reel 32. Page 5, lines 12-13.

**CONCISE STATEMENT OF EACH GROUND OF REJECTION
PRESENTED FOR REVIEW/OTHER**

The Notification also states that “[t]he brief and the Non-Final (1/10/06) are inconsistent, clarification is needed under the grounds of rejection section.” Appellant does not believe that there is an inconsistency, and the Order directs the Examiner to give a proper explanation of the ground of rejection. Appellant therefore does not believe that any action is required from him at this time.

If for any reason this Reply is deemed insufficient, Appellant requests the Examiner or other PTO personnel to contact the undersigned attorney at the telephone number listed below to advance the prosecution of this application.

Respectfully submitted,

/25 October 2007/
Date

/timothy g newman/
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